



House of Representatives

File No. 860

General Assembly

January Session, 2007

(Reprint of File No. 641)

Substitute House Bill No. 6948
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 21, 2007

AN ACT CONCERNING STOLEN MILITARY VALOR AND DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-378 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Any person, other than an officer or enlisted man or woman of
4 the armed forces, [of the United States,] as defined [by] in section 27-
5 103, or any reserve component thereof, or of [this] the state, as defined
6 [by] in section 27-2, or a member of a school or college military or
7 naval organization, organized, uniformed and drilling as such, or [an
8 inmate] a resident of any veterans' or soldiers' home, or a police officer,
9 who, at any time, wears the uniform, or any part of the uniform, of any
10 of said armed forces, reserve components or organizations, [units or
11 services,] within the state, shall be fined not less than [one] five
12 hundred dollars [nor] or more than [five hundred] one thousand
13 dollars or imprisoned not more than six months, or both, provided
14 nothing in this section shall be construed as prohibiting any person
15 having been honorably discharged from any of said armed forces,

16 reserve components or organizations [, units or services] from wearing
17 [his] the person's uniform in accordance with the laws of the United
18 States or the state and the regulations governing any of said armed
19 forces, reserve components or organizations, [units or services,] or any
20 person taking part in any play, opera, theater or other entertainment
21 from wearing such uniform while actually engaged in such
22 entertainment.

23 (b) Any person who falsely represents himself or herself, orally or in
24 writing, to have been awarded any decoration or medal authorized by
25 the United States Congress for the armed forces, as defined in section
26 27-103, or any of the service medals or badges awarded to the
27 members of such armed forces, or the ribbon, button or rosette of any
28 such decoration, medal or badge, or any colorable imitation thereof,
29 shall be fined not less than five hundred dollars or more than one
30 thousand dollars or imprisoned not more than six months, or both.

31 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) No person may deny any
32 individual within the jurisdiction of this state full and equal
33 accommodations in any place of public accommodation, resort or
34 amusement because of such individual's membership in the armed
35 forces of the state, as defined in section 27-2 of the general statutes, or
36 the armed forces, as defined in section 27-103 of the general statutes, or
37 on account of the wearing of the uniform of any such armed forces,
38 subject only to the conditions and limitations established by law and
39 applicable alike to all persons.

40 (b) Any person who violates any provision of this section shall be
41 fined not less than twenty-five dollars or more than one hundred
42 dollars or imprisoned not more than thirty days, or both.

43 Sec. 3. Section 52-571 of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2007*):

45 Any person who subjects or causes to be subjected any other person
46 to the deprivation of any rights, privileges or immunities usually
47 enjoyed by the public, on account of membership in the armed forces

48 of [this] the state, as defined by section 27-2, or of the [United States,]
49 armed forces, as defined by section 27-103, or on account of the
50 wearing of the uniform of such service, or who, on account of such
51 membership or the wearing of any such uniform, deprives any other
52 person of the full and equal enjoyment of any advantages, facilities,
53 accommodations, amusement or transportation, subject only to the
54 limitations established by law and applicable alike to all persons, or
55 who, on account of such membership or the wearing of such uniform,
56 discriminates in the price for the enjoyment of any such privileges,
57 shall forfeit and pay to the person injured thereby [double damages, to
58 be recovered in any court of competent jurisdiction within this state]
59 the greater of one thousand dollars or treble damages, together with
60 costs and a reasonable attorney's fee.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|------------------------|-------------|
| Section 1 | <i>October 1, 2007</i> | 53-378 |
| Sec. 2 | <i>October 1, 2007</i> | New section |
| Sec. 3 | <i>October 1, 2007</i> | 52-571 |

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 08 \$ | FY 09 \$ |
|--|-------------------|-------------------|-------------------|
| Judicial Dept. | GF - Revenue Gain | Potential Minimal | Potential Minimal |
| Judicial Department (Probation); Correction, Dept. | GF - Cost | Potential Minimal | Potential Minimal |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes and increases penalties for individuals who: 1) falsely represent themselves as a member of the armed forces; 2) falsely represent themselves as being awarded decorations or medals authorized by the United States Congress for members of the armed forces; or 3) deprive an individual of any rights, privileges, or immunities usually enjoyed by the public, on account of membership in the armed forces, and 4) deny equal accommodations in any public place of accommodation, on the account of wearing an armed forces uniform.

Any revenue from criminal fines imposed under the bill or marginal cost for incarceration and/or probation supervision in the community as a result of the bill would be minimal.

House "A" denies equal accommodations in any public place of accommodation, on the account of wearing an armed forces uniform, and does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation. The potential minimal revenue gain would increase equal to the rate of the violations.

OLR Bill Analysis**sHB 6948 (as amended by House "A")******AN ACT CONCERNING STOLEN MILITARY VALOR AND
DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.*****SUMMARY:**

This bill (1) increases civil penalties and establishes criminal penalties for discriminating against armed forces members based on that membership or military uniform, (2) increases the penalties for wearing a military uniform without authorization, and (3) makes it a crime to falsely represent oneself as a recipient of a Congressional or service medal awarded to armed forces members.

*House Amendment "A" reduces the original bill's criminal penalty for discriminating against armed forces members.

EFFECTIVE DATE: October 1, 2007

DISCRIMINATION AGAINST ARMED FORCES MEMBERS

Under current law, anyone deprived of rights or discriminated against based on their membership in the armed forces or their military uniform is entitled to double damages in any court proceeding. The law applies to actions that deprive the members of full and equal enjoyment of advantages, facilities, accommodations, amusement, or transportation. The bill increases the award to up to \$1,000 or triple damages, whichever is more, plus costs and reasonable attorney's fees.

The bill establishes a criminal penalty of \$25 to \$100, imprisonment for up to 30 days, or both, for discrimination. It applies to actions that deny armed forces members full and equal accommodation in any place of public accommodation, resort, or amusement, based on their

membership in the armed forces or their uniform.

Under the law and the bill, the provisions are subject to conditions and limitations in law and apply to everyone.

UNAUTHORIZED WEARING OF MILITARY UNIFORMS

This bill increases the fine for wearing, without authorization, the uniform of any member of the armed forces, reserves, or school or college military or naval organization. The current penalty is a fine of \$100 to \$500, imprisonment for up to six months, or both. The bill increases the minimum fine to \$500 and the maximum to \$1,000.

CONGRESSIONAL AWARDS

The bill makes it illegal to falsely represent oneself as a recipient of any Congressional award or decoration or medal; service medal or badge awarded to the armed forces; or any ribbon, button, or rosette, or other decoration, medal, badge, or colorable imitation of such medals or awards. A violation is punishable by a fine of \$500 to \$1,000, imprisonment for up to six months, or both.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Substitute Change of Reference
Yea 10 Nay 0 (03/06/2007)

Judiciary Committee

Joint Favorable
Yea 39 Nay 0 (04/13/2007)